

NOTICE OF CONCERN 002

21 February 2020

Dear Junta

JC_0015_20200220_NOTICE OF CONCERN 002 Compliance with Junta de Compensacion Cabrera Statutes

We would like to raise an important NOTICE OF CONCERN with the Junta de Compensacion Cabrera regarding the Cabrera Statutes.

The Almeria Court Judgement, dated 13 December 2019, clearly states that the Statutes of the Junta de Compensacion Cabrera should be followed with immediate effect.

The Cabrera Statutes are clear in terms of compliance requirements:

Article 36 - Implementation

The resolutions of the managerial and administrative bodies of the Junta, taken within their respective fields of action, shall be implemented, always supposing they have been adopted in the manner established in these Statutes and other applicable norms, without prejudice to any on-going appeals and actions.

Any on-going appeals or actions, such as those initiated by the Junta Lawyer, do not provide an excuse for any delay in working according to the Statutes.

The Statutes also deal with Accountancy aspects:

Article 33 - Accountancy

The Junta will keep accounts of the financial management in adequate books, so that at any moment it may give information about the operations carried out and derive therefrom the accounts to be submitted. It is obligatory that the accountancy

We remind the Junta that we submitted a request for information on the FY18 accounts and the 2020 forecast on 6 January 2020 but it has not 'at any moment' provided us with any answers. We have previously expressed our concern at the delay in getting answers and requested an anticipated delivery date for those answers. We have also translated our queries into Spanish to avoid any further delays. Again, no response has been received from the Junta.

We would now like to add another formal request.

Please could the Junta provide a copy of the 2019 accounts as currently held by the *asesoria* on their systems.

We understand that these may not be finalised numbers but, given the many queries and concerns raised and the worrying qualification made by the auditors to the 2018 accounts, OPEN CABRERA feel it is important that home owners should be able to see a more current view on the state of the Junta finances.

The *asesoría* simply needs to print the numbers out as they stand. All 2019 invoicing to owners will have been issued and so entered to the books and the vast majority of invoices from suppliers will have been received and should certainly have been entered by now.

This will be a helpful first view of the 2019 numbers and it will allow any queries to perhaps be aired before the final accounts are published. It will also perhaps encourage the Treasurer to provide full notes to the accounts when they are published.

We therefore look forward to responses from the Junta, at the earliest opportunity.

For the benefit of all Home Owners we have included an **English translation of the Cabrera Statutes** which we have managed to obtain. This is not a legal document and should not be relied on. The Spanish original always takes precedence. Nevertheless, it might give Home-owners a better understanding of what they have bought.

Kind Regards

Jeremy Oliver

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